

Bainbridge Island Ethics Board

RE: AO2009-01

SUBJECT: Failure to submit conflict of interest statement

DATE of ISSUE: November 10, 2009

Thank you for your inquiry to the Ethics Board.

You have requested an opinion regarding the compliance of an elected official with the City of Bainbridge Island's Code of Ethics requirement that a statement of conflicts of interest must be submitted to the City Clerk by April 15 of each year. As you may know, all documents you submitted have been redacted before being read by the Ethics Board, as we strive to maintain confidentiality while an issue is being considered.

The facts you allege are as follows:

As of October 26, 2009 the elected official failed to submit the statement required by Code of Ethics Article II, Section D(3) for the year 2009.

The City Clerk's office made several attempts to obtain the completed Conflicts of Interest statement from the elected official, but none was submitted. At one point the official responded by email that the 2008 statement was in possession of the City Clerk and that "there is no change." (Attachments to Request for Advisory Opinion.)

We agree that the elected official is out of compliance with the Code of Ethics, Article II, Section D(3): "...All elected officials shall annually complete a conflict of interest statement (Attachment A) to be submitted to the City Clerk by April 15." We note that completion of the form each year has the benefit of requiring the elected official to reexamine all potential conflicts of interest on an annual basis.

Not only is the elected official's behavior in violation of the specific ordinance requiring disclosure, but also of Article I of the Ethics Code, "Introduction/Purpose," which states that "covered persons... should comply with both the letter and spirit of this Ethics Code, and should strive to avoid situations that lead to impropriety or even the appearance of impropriety."

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Finally, the failure to file the requisite statement is inconsistent with the City's Core Values (COBI Resolution 97-25), in particular the value of Integrity: "We will treat one another and the citizens of Bainbridge Island with honesty and integrity, recognizing that the trust that results is hard won and easily lost...."

If you wish to pursue the matter further, we refer you to Article IV of the COBI Ethics Program.